IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 684 of 2006

Dr. Raj Bahadur Tripathi
Veterinary Officer
S/o Late Sri Goverdhan Bhawan
R/o Plot No. 9 Sumitra Bhawan
Bank Colony Maruhana
Near Nirankari Bhawan Meerjapur ... Applicant

Vs

1. State of Uttaranchal through
   The Secretary Home, Dehradun
2. District Veterinary Officer, Chamoli ... Respondents

Sri V.B.S. Negi, learned counsel for the applicant
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the petitioner – Dr. Raj Bahadur Tripathi for quashing the entire proceedings in Criminal Case No. 358 of 1998 State Vs Dr. R.B. Tripathi & others under Section 409, 240, 468 I.P.C. pending in the court of Sessions Judge, Chamoli.

2. Brief facts of the case are that the First Information Report was filed by the respondent No. 2 – District Veterinary Officer, Chamoli against the petitioner for the offence under Sections 409, 420, 468 of I.P.C. The police investigated the matter and submitted the chargesheet.

3. Heard Sri V.B.S. Negi, learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

4. Learned counsel for the petitioner has submitted before the Court that the petitioner is a Government Servant and the police without obtaining the permission from the competent authority to prosecute the petitioner submitted the chargesheet against him.

5. Having considered the arguments advanced by the learned counsel for the parties, I am of the view that there is no abuse of process of the court in this case. The averments made in the petition are the disputed question of fact, which can be assessed and judged by the trial court. I am not supposed to embark upon an enquiry with regard to the credibility of the evidence at this stage. Any judgment rendered by me would amount to premature judgment where the evidence is still incomplete and hazy.

6. The petition lacks merit and is liable to be dismissed.

7. Accordingly, the petition under Section 482 Cr.P.C. is dismissed.

(B.C. Kandpal, J.)

22.08.2006
ASWAL